IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY PETITION No. 56 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HINDUSTAN PETER OATES (P) LTD. - Petitioner(s)
Versus
NILA BAURAT ENGINEERING LTD. & 2 - Respondent(s)

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Appearance :
MR JB DASTOOR for Petitioner(s) : 1,
MR KM PARIKH for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 2,
MR KIRAN C RAVAL for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 07/11/2006

ORAL JUDGMENT

Today when the matter is called out, Shri JB Dastoor, learned advocate appearing on behalf of the petitioner has submitted that by now the petitioner has

already received the entire amount due and payable, for which the company petition was filed. However, he has submitted that there were various litigations, which were required to be initiated by the petitioner for getting the aforesaid amount for no fault of the petitioner and the petitioner is entitled to the cost and expenses for the same. He has further submitted that the petitioner may be permitted to withdraw the present company petition with a liberty to file a suit to claim the cost and expenses.

This company petition is permitted to be withdrawn with the above liberty. However, it is made clear that this Court has not expressed any opinion with regard to the same and as and when the suit is filed, the same shall be decided in accordance with law and on merits.

With this, the present petition is dismissed as withdrawn. No costs.

(M.R.SHAH,J.)

shekhar/-